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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,414	11/21/2001	Sang On Park	3449-0179P	9772
2292 7590 10/05/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER AGUSTIN, PETER VINCENT	
			ART UNIT 2627	PAPER NUMBER
			NOTIFICATION DATE 10/05/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 09/989,414	Applicant(s) PARK, SANG ON	
	Examiner P. Agustin	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-9 and 11 is/are allowed.
- 6) ☒ Claim(s) 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3 & 5-11 are now pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claim 10 recites a tilt controlling method comprising the steps of: wobbling a tilt driving block according to a reference level in a predetermined direction; obtaining an FE track at a point where a RF signal has the maximum value; and normalizing the detected FE track. However, there is no interrelation between the step of obtaining an FE track at a point where a RF signal has the maximum value and the step of wobbling a tilt driving block according to a reference level in a predetermined direction, rendering the claim incomplete and therefore indefinite.

Furthermore, it is not claimed how the claimed steps of wobbling, obtaining, and normalizing control the tilt.

Allowable Subject Matter

4. Claims 1-3, 5-9 & 11 are allowed over the prior art of record.
5. The following is a statement of reasons for the indication of allowable subject matter:

See applicant's arguments on page 3, last paragraph through page 4, paragraph 2, i.e., the prior art of record alone or in combination fails to teach or suggest: in claim 1, a tilt controlling method comprising the steps of: detecting a track of a focus error at the

maximum value of an RF signal or at the minimum value of jitter when a focus is on; detecting the maximum value and the minimum value of the focus error; and calculating a variation per track of the focus error by using the maximum and minimum values of the focus error to control the tilt using the variation.

See applicant's arguments on page 9, paragraph 2-3, i.e., the prior art of record alone or in combination fails to teach or suggest: in claim 11, a tilt controlling apparatus of an optical record medium, comprising: a RF and servo error producing unit for producing RF and servo error signals from an electric signal outputted from an optical pickup unit; a servo controlling unit having a tilt error detecting and controlling block for receiving RF and focus error signals outputted from said RF and servo error producing unit to produce DC and AC values about the tilt initialization and about an optical disk; and a servo driving unit for controlling said optical pick-up unit in response to a signal of said servo controlling unit wherein said tilt error detecting and controlling block includes: an RF peak detecting block for detecting the peak of an RF envelope; a detecting block for detecting the maximum and minimum values of a focus error per one rotation of a disk; and a tilt controlling block for controlling the tilt using the RF signal and an FE signal calculated by using the maximum and minimum values of the focus error.

Claims 2, 3 & 5-9 are dependent upon claim 1.

Response to Arguments

6. Applicant's arguments filed September 17, 2007 have been fully considered but are now moot, since the rejections have been withdrawn.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Thursday 8:30-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. Agustin/
Art Unit 2627

/William Korzuch/
SPE, Art Unit 2627